

Form 149

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Dane William Sprankle
Tracy Michelle Sprankle
Debtor(s)

Bankruptcy Case No.: 15-70550-JAD
Per February 2, 2017 proceeding
Chapter: 13
Docket No.: 74 - 67, 68
Concil. Conf.: at

ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 30, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ditech Financial (Claim No 10) .
- H. Additional Terms: Santander payment to begin 3/16.

M&T Bank (Claim No. 3) to be paid per payment changes filed of record to date.

(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:*

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) *IT IS FURTHER ORDERED THAT:*

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: February 7, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Dane William Sprinkle
 Tracy Michelle Sprinkle
 Debtors

Case No. 15-70550-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: lmar
Form ID: 149Page 1 of 2
Total Noticed: 35

Date Rcvd: Feb 07, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 09, 2017.

db/jdb +Dane William Sprinkle, Tracy Michelle Sprinkle, 419 Lincoln Road,
 Gallitzin, PA 16641-8714
 14088056 AES, 1200 N. 7th Street, Harrisburg, PA 17102-1444
 14149727 American InfoSource LP as agent for, DIRECTV, LLC, PO Box 51178,
 Los Angeles, CA 90051-5478
 14088080 ++CITIBANK, PO BOX 6043, SIOUX FALLS SD 57117-6043
 (address filed with court: Sunoco / Citibank SD NA, Attn: Bankruptcy, 7920 NW 110th Street,
 Kansas City, MO 64153)
 14088058 Capital One, Attn: Bankruptcy, P.O. Box 30285, Salt Lake City, UT 84130-0285
 14088059 Capital One Bank (USA), N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 14088060 Chase, Cardmember Service, P.O. Box 15153, Wilmington, DE 19850-5153
 14088061 Chase, Cardmember Service, P.O. Box 15298, Wilmington, DE 19850-5298
 14088064 ++DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550
 (address filed with court: DirecTV, P.O. Box 78626, Phoenix, AZ 85062-8626)
 14153075 +Ditech Financial LLC, 7340 S. Kyrene Rd., Recovery Dept - T120, Tempe, AZ 85283-4573
 14088066 FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
 14088070 +KML Law Group, Attn: Crystal Espanol, Esq., Suite 5000 - BNY Independence Center,
 701 Market Street, Philadelphia, PA 19106-1538
 14088076 PHEAA, 1200 N. 7th Street, Harrisburg, PA 17102-1444
 14088075 +PHEAA, P.O. Box 8147, Harrisburg, PA 17105-8147
 14088077 PSECU, c/o Account Services, P.O. Box 659818, San Antonio, TX 78265-9118
 14261770 +SANTANDER CONSUMER USA, INC., P.O. BOX 560284, DALLAS, TX 75356-0284
 14136740 U.S. Department of Education, C/O FedLoan Servicing, P.O. Box 69184,
 Harrisburg PA 17106-9184

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14088057 +E-mail/Text: bankruptcynotices@dcicollect.com Feb 08 2017 01:30:32 AT&T Wireless,
 c/o Diversified Consultants, Inc., P.O. Box 551268, Jacksonville, FL 32255-1268
 14088063 E-mail/Text: creditonebknotifications@resurgent.com Feb 08 2017 01:29:48 Credit One Bank,
 Attn: Bankruptcy, P.O. Box 98873, Las Vegas, NV 89193-8873
 14088062 E-mail/Text: creditonebknotifications@resurgent.com Feb 08 2017 01:29:48 Credit One Bank,
 P.O. Box 60500, City Of Industry, CA 91716-0500
 14153101 E-mail/Text: bankruptcyn.bnc@ditech.com Feb 08 2017 01:29:55 Ditech Financial LLC,
 PO BOX 6154, Rapid City, SD 57709-6154
 14088065 +E-mail/Text: bankruptcynotices@dcicollect.com Feb 08 2017 01:30:32
 Diversified Consultants, Inc., P.O. Box 551268, Jacksonville, FL 32255-1268
 14088067 E-mail/Text: bankruptcyn.bnc@ditech.com Feb 08 2017 01:29:55 Green Tree, P.O. Box 94710,
 Palatine, IL 60094-4710
 14088068 E-mail/Text: bankruptcyn.bnc@ditech.com Feb 08 2017 01:29:55
 Green Tree Bankruptcy Department, P.O. Box 6154, Rapid City, SD 57709
 14088069 E-mail/Text: bankruptcyn.bnc@ditech.com Feb 08 2017 01:29:55 Green Tree Servicing LLC,
 P.O. Box 6172, Rapid City, SD 57709-6172
 14110955 E-mail/PDF: resurgentbknotifications@resurgent.com Feb 08 2017 01:22:19
 LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14108821 E-mail/Text: camanagement@mtb.com Feb 08 2017 01:29:56 M&T BANK, PO BOX 1288,
 Buffalo, NY 14240
 14088072 E-mail/Text: camanagement@mtb.com Feb 08 2017 01:29:56 M&T Bank,
 Lending Services, Customer Support, P.O. Box 1288, Buffalo, NY 14240-1288
 14088071 E-mail/Text: camanagement@mtb.com Feb 08 2017 01:29:56 M&T Bank, P.O. Box 62182,
 Baltimore, MD 21264-2182
 14103809 E-mail/Text: bkr@cardworks.com Feb 08 2017 01:29:43 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14088073 E-mail/Text: bkr@cardworks.com Feb 08 2017 01:29:43 Merrick Bank, P.O. Box 660397,
 Dallas, TX 75266-0397
 14088074 +E-mail/Text: bkr@cardworks.com Feb 08 2017 01:29:43 Merrick Bank, Attn: Bankruptcy,
 P.O. Box 9201, Old Bethpage, NY 11804-9001
 14088078 E-mail/Text: bankruptcynotices@psecu.com Feb 08 2017 01:30:34 PSECU, P.O. Box 67013,
 Harrisburg, PA 17106-7013
 14102825 E-mail/PDF: cbp@onemainfinancial.com Feb 08 2017 01:22:59 SPRINGLEAF FINANCIAL SERVICES,
 PO BOX 3251, EVANSVILLE, IN 47731
 14088079 E-mail/PDF: cbp@onemainfinancial.com Feb 08 2017 01:22:40 Springleaf Financial Services,
 P.O. Box 742536, Cincinnati, OH 45274-2536

TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ditech Financial LLC
 cr M&T Bank

TOTALS: 2, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0315-7

User: lmar
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Page 2 of 2
Total Noticed: 35

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***** BYPASSED RECIPIENTS (continued) *****

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 09, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 7, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor M&T Bank agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmllawgroup.com
Celine P. DerKrikorian on behalf of Creditor Ditech Financial LLC ecfmail@mwc-law.com
James Warmbrodt on behalf of Creditor M&T Bank bkgroup@kmllawgroup.com
Jon A. McKechnie on behalf of Debtor Dane William Sprankle jmckechnie@shepleylaw.com, bk@shepleylaw.com
Jon A. McKechnie on behalf of Plaintiff Dane William Sprankle jmckechnie@shepleylaw.com, bk@shepleylaw.com
Jon A. McKechnie on behalf of Joint Debtor Tracy Michelle Sprankle jmckechnie@shepleylaw.com, bk@shepleylaw.com
Jon A. McKechnie on behalf of Plaintiff Tracy Michelle Sprankle jmckechnie@shepleylaw.com, bk@shepleylaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecl@chapter13trusteeewdpa.com

TOTAL: 9